

SIEMENS

PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor:	T. Jatschka)	Confirmation No:	8651
)		
Serial No.:	10/529,330)	Examiner:	D. Nobile
)		
Filed:	March 24, 2005)	Group Art Unit:	2617
)		
Title	METHOD FOR LOGGING IN A TERMINAL AT AN ACCESS POINT OF A LOCAL COMMUNICATION NETWORK			

Commissioner For Patents
P.O. Box 1450
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Sir:

APPELANTS BRIEF

This is Applicant's second Appeal Brief which is in response to the Examiner reopening prosecution after the first Appeal Brief. This Appeal Brief relates to an appeal from the rejection of claims 10, 15-21 and 23-28 in the Office Action mailed July 7, 2010.

I. Real Party in Interest.....	3
II. Related Appeals and Interferences.....	3
III. Status of Claims.....	3
IV. Status of Amendments.....	3
V. Summary of Claimed Subject Matter	4
A. Claim 10.....	4
B. Claim 21.....	5
VI. Grounds for Rejection to be Reviewed.....	6
VII. Appellants' Argument.....	7
A. The rejection of claims 10 and 21 under 35 U.S.C. § 103(a) as being obvious over Cotton (USPN 6148205) [Cotton] in view of IEEE Standard 802.15.1-2002 [IEEE-802.15] in further view of Irvin (USPN 6,029,074) [Irvin].....	7
a) Independent claims 10 and 21.....	7
B. The rejection of claims 15-20 and 23-28 under 35 U.S.C. § 103(a) as being obvious over Cotton (USPN 6148205) [Cotton] in view of IEEE Standard 802.15.1-2002 [IEEE- 802.15] view of Irvin (USPN 6,029,074) [Irvin] in further view of Juurikko (US 2003/0003868).....	9
a) Dependent claims 19 and 27.....	9
VIII. Conclusion	10
IX. Claims Appendix	11
X. Evidence Appendix.....	15
XI. Related Proceedings Appendix.....	16

I. Real Party in Interest

The real party in interest is Siemens Aktiengesellschaft of Munich, Germany, the assignee of record.

II. Related Appeals and Interferences

There are no known related appeals or interferences.

III. Status of Claims

Claims 1-9, 11-14, and 22 have been canceled. Claims 10, 15-21, and 23-28 are rejected. No claims have been allowed. Claims 10, 15-21, and 23-28 are being appealed.

IV. Status of Amendments

No amendment has been filed subsequent to the rejection.

V. Summary of Claimed Subject Matter

A. Claim 10

Referring to FIG 1, FIG 2, page 3 lines 4-17, page 5 lines 30-32, page 6 lines 1-6, and lines 11-14, independent claim 10 recites a method for the initial registration of a mobile terminal (PC) at an access point (AP) of a local communication network (LAN), the access point (AP) having a first radio transmitting and receiving unit (TRX1) operating at a first transmitting power for establishing communication between the mobile terminal (PC) and the local communication network (LAN), the method comprising:

detecting the mobile terminal (PC) by the access point (AP) (S1);

providing a signaling which includes transmitting a first message to the mobile terminal (PC) after the detecting the mobile terminal (PC) by the access point (AP); the first message indicates an artificially received first signal level at the access point (AP), the artificially received first signal level being higher than a signal receiving level actually measured by the access point (AP)(S2), the artificially received first signal level formed as a received signal strength indicator value, the first message instructs the mobile terminal (PC) to reduce a second transmission power of a second radio transmitting and receiving unit (TRX2) of the mobile terminal (PC) so that a transmit/receive process is only carried out in a near field (N2) of the mobile terminal (PC); and

reducing the first transmitting power of the first radio transmitting and receiving unit (TRX1) after the signaling (S3), the first transmitting power is reduced such that the communication between the mobile terminal (PC) and the local communication network (LAN) is enabled exclusively within a near field (N1) of the access point (AP), the near field (N1) having a smaller area than a standard enabling area defined by all locations enabling the communication between the mobile terminal (PC) and the local communication network (LAN) when the mobile terminal (PC) is present at the locations and the first radio transmitting and receiving unit (TRX1) is operating at the first non-reduced transmitting power.

B. Claim 21

Referring to FIG 1, FIG 2, page 3 lines 4-17, page 5 lines 30-32, page 6 lines 1-6, and lines 11-14, independent claim 21 recites an access point (AP) of a local communication network, comprising:

a first radio transmitting and receiving unit (TRX1) operating at a first transmitting power for establishing communication between a mobile terminal (PC) and the local communication network (LAN), wherein the access point (AP) is configured to:

detect the mobile terminal (PC) (S1); and

provide a signaling which includes transmitting a first message to the mobile terminal (PC) after the mobile terminal (PC) is detected by the access point (AP); the first message indicates an artificially received first signal level at the access point (AP), the artificially received first signal level being higher than a signal receiving level actually measured by the access point (AP) (S2), the artificially received first signal level formed as a received signal strength indicator value, the first message instructs the mobile terminal (PC) to reduce a second transmission power of a second radio transmitting and receiving unit of the mobile terminal (PC) so that a transmit/receive process is only carried out in a near field (N2) of the mobile terminal (PC); and

reducing the first transmitting power of the first radio transmitting and receiving unit (TRX1) after the signaling (S3), the first transmitting power is reduced such that the communication between the mobile terminal (PC) and the local communication network (LAN) is enabled exclusively within a near field of the access point, the near field having a smaller area than a standard enabling area defined by all locations enabling the communication between the mobile terminal (PC) and the local communication network when the mobile terminal (PC) is present at the locations and the first radio transmitting and receiving unit (TRX1) is operating at the first non-reduced transmitting power.

VI. Grounds for Rejection to be Reviewed

Claims 10 and 21 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Cotton (USPN 6148205) [Cotton] in view of IEEE Standard 802.15.1-2002 [IEEE-802.15] in further view of Irvin (USPN 6,029,074) [Irvin].

The rejection of claims 15-20 and 23-28 under 35 U.S.C. § 103(a) as being obvious over Cotton (USPN 6148205) [Cotton] in view of IEEE Standard 802.15.1-2002 [IEEE-802.15] view of Irvin (USPN 6,029,074) [Irvin] in further view of Juurikko (US 2003/0003868).

VII. Appellants' Argument

- A. The rejection of claims 10 and 21 under 35 U.S.C. § 103(a) as being obvious over Cotton (USPN 6148205) [Cotton] in view of IEEE Standard 802.15.1-2002 [IEEE-802.15] in further view of Irvin (USPN 6,029,074) [Irvin]

a) Independent claims 10 and 21

Applicant's claims 10 and 21 recites:

the first message indicates an artificially received first signal level at the access point, the artificially received first signal level being higher than a signal receiving level actually measured by the access point, the artificially received first signal level formed as a received signal strength indicator value, the first message instructs the mobile terminal to reduce a second transmission power of a second radio transmitting and receiving unit of the mobile terminal so that a transmit/receive process is only carried out in a **near field of the mobile terminal**

The Examiner acknowledges that Cotton and IEEE fails to teach an artificially received first signal level being higher than a signal receiving level actually measured by the access point. The Examiner contends that Irvin teaches this limitation in col. 3, lines 6-27; col. 4, lines 62-67; col. 5, lines 1-7) and that Irvin's MAC attenuator is the same as Applicant's received signal strength indicator.

Applicant respectfully submits that Cotton is directed to security issues in a registration of a terminal within an in-home wireless network (see e.g., Cotton title; col. 6 lines 17-20). In contrast Irvin, is directed towards power management of a cellular terminal in a cellular network (see e.g., Irvin title). One skilled in the art would recognize that the transmission area required by terminal in a cellular network is much larger than the area desired for an in-home network. One skilled in the art would further recognize that transmitting power required by a cellular terminal to communicate with the cellular base station would be much higher than a terminal of an in-home wireless network. Applicant respectfully submits that Irvin's transmitting power reduction via the MAC attenuator conserves battery consumption but still allows the cellular terminal to communicate with the cellular base station and would still have a transmission area that not only

would be unsuitable for use an in-home wireless network, but would not achieve the security desired by Cotton.

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification (MPEP 2143 section V).

Furthermore, Applicant reminds the Examiner that during patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” . . . The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach (MPEP 2111). Applicant’s claimed invention is directed to an initial registration of a mobile terminal at an access point of a local communication network. Consistent with the specification and the interpretation that those skilled in the art would reach, Applicant’s transmitting power is reduced to a near field of the mobile terminal thereby creating a smaller transmitting area thereby in order to increase security during the registration. For example, to prevent eavesdropping during registration (see e.g. [0010]). In contrast, Irvin’s transmitting power is reduced to lower battery consumption. One skilled in the art would recognize that Irvin’s transmitting power would not be reduced to a near field of the terminal since Irvin is directed to a cellular telephone. As such the cellular telephone must communicate with a base station outside a near filed. Hence, eavesdropping and other security issues would prevail in Irvin’s reduction of transmitting power.

Additionally, Irvin’s power level is only decreased when the terminal is in hand held mode. Thus, if the terminal is docked (see e.g. col. 1, lines 30-40) the power level is not decreased. Applicant’ does not claim such a restriction.

Moreover, the Examiner states that the motivation to combine such references is found in Irvin (col. 1, lines 11-29; col. 3, lines 6-27). However, these references refer to reducing the transmitting power to reduce battery power consumption. Reducing the battery power consumption is clearly the motivation of Irvin but does not address Applicant’s solving an increased security during registration.

For at least the reasons above, Applicant respectfully submits that claims 10 and 21 are not obvious over Cotton in view of IEEE and Irvin and that the rejections should be withdrawn.

- B. The rejection of claims 15-20 and 23-28 under 35 U.S.C. § 103(a) as being obvious over Cotton (USPN 6148205) [Cotton] in view of IEEE Standard 802.15.1-2002 [IEEE-802.15] view of Irvin (USPN 6,029,074) [Irvin] in further view of Juurikko (US 2003/0003868)

a) Dependent claims 19 and 27

Applicant's claims 19 and 27 recite:

the first and second transmitting and receiving units operate according to a short-range radio standard.

Applicant respectfully submits that Irvin is directed to a cellular network and as such operates according to a cellular standard such as GSM or AMPS (see e.g., Irvin col. 1 lines 53-61). One skilled in the art would not interpret a cellular standard as a short-range radio standard. Furthermore, one skilled in the art would recognize that the standards are not compatible. Moreover, one skilled in the art would recognize that the power level requirements for a terminal in a cellular network would be different than the power level for a terminal using a short-range radio standard. Using Irvin's MAC attenuator as taught by Irvin would provide a power area suitable for cellular phones such as in accordance with the AMPS system (see e.g., col. 4 lines 27-48). A cellular transmission area is clearly much larger than a short-range transmission area. Thus, there is no motivation to combine the teachings of Cotton, IEEE 802.16, Irvin and Juurikko. At least in view of the above, it is respectfully submitted that dependent claims 19 and 27 are patentable.

VIII. Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. The honorable Board is therefore respectfully requested to reverse the rejection of the Examiner and to remand the application to the Examiner with instructions to allow the pending claims. Please grant any extensions of time required to enter this paper. Please charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Acct. No. 19-2179.

Respectfully submitted,

Dated:

Oct. 29, 2010

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IX. Claims Appendix

10. A method for the initial registration of a mobile terminal at an access point of a local communication network, the access point having a first radio transmitting and receiving unit operating at a first transmitting power for establishing communication between the mobile terminal and the local communication network, the method comprising:

detecting the mobile terminal by the access point;

providing a signaling which includes transmitting a first message to the mobile terminal after the detecting the mobile terminal by the access point; the first message indicates an artificially received first signal level at the access point, the artificially received first signal level being higher than a signal receiving level actually measured by the access point, the artificially received first signal level formed as a received signal strength indicator value, the first message instructs the mobile terminal to reduce a second transmission power of a second radio transmitting and receiving unit of the mobile terminal so that a transmit/receive process is only carried out in a near field of the mobile terminal; and

reducing the first transmitting power of the first radio transmitting and receiving unit after the signaling, the first transmitting power is reduced such that the communication between the mobile terminal and the local communication network is enabled exclusively within a near field of the access point, the near field having a smaller area than a standard enabling area defined by all locations enabling the communication between the mobile terminal and the local communication network when the mobile terminal is present at the locations and the first radio transmitting and receiving unit is operating at the first non-reduced transmitting power.

15. The method according to claim 10, wherein the signaling includes a second message in order to instruct the user to move the mobile terminal into the near field of the access point.

16. The method according to claim 15, wherein the second message is re-transmitted to the mobile terminal if the mobile terminal has not been moved into the near field of the access point within a specified time period after receiving the second message by the mobile terminal.

17. The method according to claim 16, wherein the reduced first transmission power is increased at least temporarily to a level corresponding to the non-reduced transmission power.

18. The method according to claim 16, wherein the second message is repeatedly re-transmitted.

19. The method according to claim 10, wherein the first and second transmitting and receiving units operate according to a short-range radio standard.

20. The method according to claim 19, wherein the short-range radio standard comprises a Bluetooth specification.

21. An access point of a local communication network, comprising:

a first radio transmitting and receiving unit operating at a first transmitting power for establishing communication between a mobile terminal and the local communication network, wherein the access point is configured to:

detect the mobile terminal; and

provide a signaling which includes transmitting a first message to the mobile terminal after the mobile terminal is detected by the access point; the first message indicates an artificially received first signal level at the access point, the artificially received first signal level being higher than a signal receiving level actually measured by the access point, the artificially received first signal level formed as a received signal strength indicator value, the first message instructs the mobile terminal to reduce a second transmission power of a second radio transmitting and receiving unit of the mobile terminal so that a transmit/receive process is only carried out in a near field of the mobile terminal; and

reducing the first transmitting power of the first radio transmitting and receiving unit after the signaling, the first transmitting power is reduced such that the communication between the mobile terminal and the local communication network is enabled exclusively within a near field of the access point, the near field having a smaller area than a standard enabling area defined by all locations enabling the communication between the mobile terminal and the local communication network when the mobile terminal is present at the locations and the first radio transmitting and receiving unit is operating at the first non-reduced transmitting power.

23. The access point according to claim 21, wherein the signaling includes a second message in order to instruct the user to move the mobile terminal into the near field of the access point.

24. The access point according to claim 23, wherein the second message is re-transmitted to the mobile terminal if the mobile terminal has not been moved into the near field of the access point within a specified time period after receiving the second message by the mobile terminal.

25. The access point according to claim 24, wherein the reduced first transmission power is increased at least temporarily to a level corresponding to the non-reduced transmission power.

26. The access point according to claim 24, wherein the second message is repeatedly re-transmitted.

27. The access point according to claim 21, wherein the first and second transmitting and receiving units operate according to a short-range radio standard.

28. The access point according to claim 27, wherein the short-range radio standard comprises a Bluetooth specification.

X. Evidence Appendix

None

XI. Related Proceedings Appendix

None